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EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Forty-ninth session

REPORT OF THE EXTRAORDINARY MEETING OF THE STANDING COMMITTEE (8 December 1998)

1. The meeting was opened by the Chairman of the Executive Committee, His Excellency, Ambassador Victor Rodríguez Cedeño (Venezuela).

2. The Chairman informed delegations that the meeting was being convened in order to review the arrangements for the observer participation of non-governmental organizations (NGOs) in the work of the Executive Committee and its Standing Committee in 1998 and to consider an extension of these arrangements. He reminded delegations of the decision adopted by the Standing Committee at its eighth meeting in June 1997, whereby the arrangements for NGO observer participation should be reviewed after a trial period of one year. To assist delegations in their review, a *Review of Non-Governmental (NGO) Participation in the Work of the Executive Committee and its Standing Committee* (EC/49/SC/CRP.1) was before the Standing Committee, which included in annex a draft decision on the extension of these arrangements.

3. In commenting on the draft decision, one delegation expressed concern about the "Advocacy Project" during the forty-ninth plenary session of the Executive Committee, which produced a daily publication ("On the Record") of the proceedings and related issues. Delegations were assured that this project would not be extended to the private meetings of the Standing Committee, and were informed that no decision had been made on the repetition of this project at the next plenary session of the Executive Committee. In other comments, delegations expressed support for a continuation of the arrangements for NGO observer participation in the work of the Executive Committee and its Standing Committee in the years 1999 and 2000.

4. The Standing Committee adopted the draft decision attached to EC/49/SC/CRP.1 (annex).

Decision adopted by the Extraordinary Meeting of the Standing Committee
(8 December 1998)

Non-Governmental Organization (NGO) observer participation in the work of the Executive Committee of the High Commissioner's programme and its Standing Committee

The Standing Committee,

Recalling its decision on observer participation in the work of the Executive Committee and its Standing Committee (A/AC.96/888), and having completed the first year of NGO observer participation,

(a) Recognizes the contribution of NGOs as important partners in UNHCR's humanitarian work on behalf of refugees;

(b) Decides that:

i) The decision endorsing the observer participation of NGOs will be extended for the years of 1999 and 2000;

ii) The participation of NGOs as observers will continue to follow the procedure established by the Standing Committee decision (A/AC.96/888);

(c) Further decides that these arrangements will be reviewed after fifty-first Executive Committee session.

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EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME

Fiftieth session

REPORT OF THE FOURTEENTH MEETING OF THE STANDING COMMITTEE (9-11 February 1999)

I. INTRODUCTION

1. The meeting was opened by the Chairman of the Executive Committee, His Excellency, Ambassador Victor Rodriguez Cedeño (Venezuela). The Chairman informed the Committee that delegations of the Republic of Azerbaijan, Eritrea, the Republic of Guinea, the Republic of Kazakhstan, the Republic of Liberia, the Kingdom of Nepal, the Republic of Lithuania, the Republic of Panama and Turkmenistan had requested to participate in meetings of the Standing Committee during 1999 as Observers, and suggested that their participation begin immediately, in line with the Executive Committee's decision on Observer participation taken in 1998 (A/AC.96/911). Delegations agreed to this proposal. The Chairman also welcomed non-governmental organization (NGO) delegations attending the Standing Committee for a second year as observers, as a result of the decision by the Standing Committee at its extraordinary meeting on 8 December 1998, to extend these arrangements for the years 1999 and 2000 (EC/49/SC/CRP.2). The meeting was chaired as from item 3 (I) (b) by His Excellency, Ambassador Raimundo Pérez-Hernández y Torra (Spain), Vice-Chairman of the Executive Committee.

II. ADOPTION OF THE AGENDA OF THE FOURTEENTH MEETING, THE REPORT OF THE EXTRAORDINARY MEETING AND THE WORK PROGRAMME OF THE STANDING COMMITTEE IN 1999

2. The agenda (EC/49/SC/CRP.2), the draft report of the extraordinary meeting of the Standing Committee held on 8 December 1998, (EC/49/SC/CRP.3) and the work programme of the Standing Committee in 1999 (EC/49/SC/CRP.9) were adopted without revision.

III. ASSISTANT HIGH COMMISSIONER'S STATEMENT

3. The Assistant High Commissioner then delivered an opening statement to the Standing Committee, updating delegations on recent developments in UNHCR's operations around the world. In addition, he informed delegations of the recent reorganization of UNHCR's Headquarters structure.

IV. PROGRAMME AND FUNDING

4. Under this agenda item, the Standing Committee had several sub-items for consideration:

A. Overall programme and funding projections

5. The Standing Committee had before it a conference room paper entitled *Overall Programme and Funding Projections for 1998 and 1999* (EC/49/SC/CRP.4).

6. In the absence of the Director of the Division of Operational Support, the aspect of the agenda item dealing with programming issues was introduced by the former Director of the Division. He drew attention to the provisional nature of the 1998 figures, as the accounts for 1998 had not yet been finalized. He said that UNHCR would, most likely, face again a serious funding situation in 1999. The approved 1999 General Programmes target was $ 413 million; needs under Special Programmes were currently estimated at $ 482 million. He recalled the Assistant High Commissioner's earlier comments on the exercise currently under way in UNHCR to review programmes and to establish global and regional priorities for 1999, with a view to modifying programmes, at an early stage, to make them more in line with funding projections.

7. The Head of Donor Relations and Resource Mobilization Service (DRRM) in his opening remarks highlighted some of the major constraints faced by UNHCR in resource mobilization. He provided delegations with a review of UNHCR's programmes in 1998, emphasizing the difficulties in managing the gap between UNHCR's needs based budget and the availability of resources. The lack of predictability in scheduling contributions and detailed earmarking by donors were also noted as a source of concern to the Office. With regard to earmarking, the Head of DRRMS informed delegations that a paper on this subject had been prepared by UNHCR and was available in the conference room.

8. In response, delegations expressed concern over the reduced level of funding during 1998 and several delegations indicated that efforts would be made to maintain funding levels in 1999. One delegation called for a link to be made between the Global Appeal and funding, and requested an assessment of trends in priorities and the allocation of funds. Several delegations indicated that they were looking forward to receiving details of UNHCR's prioritization exercise in relation to the unified budget. The timing of contributions to UNHCR's programmes was recognized as important and a number of delegations expressed a willingness to explore ways of making funds more predictable. Some concern was expressed over the narrow donor base.

B. Africa

9. Following an oral report by the Chairman on his recent mission to West Africa, the Director of the Bureau for Africa presented a brief overview of UNHCR's activities in Sub-Saharan Africa. The situation in the Great Lakes

region and the Republic of the Congo continued to be tense, with almost 5 million persons affected by the crisis and a potential for large-scale emergency situations. Situations in Guinea Bissau and in Sierra Leone were also volatile. The conflict between Ethiopia and Eritrea had left hundreds of individuals in a de facto situation of statelessness, and was a threat to peace and stability in the region. The conflict in Angola had led UNHCR to suspend its repatriation operation in that country in June 1998. In view of these various situations, the Director stressed the need for a continuous and sometimes more vigorous commitment on the part of the international community, and more particularly of regional organizations, towards achieving negotiated peace settlements.

10. Referring to UNHCR's current priorities in Africa, he indicated that immediate attention would be focused on protecting and assisting some 8,000 Liberian refugees still in Sierra Leone, accelerating the voluntary repatriation of those who may wish to return, while following the situation of some 14,000 Sierra Leonean returnees assisted last year to repatriate to Freetown, and monitoring local population displacement. In the Democratic Republic of the Congo, concerted efforts were being made through the Office of the Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator to re-establish a United Nations presence inthe eastern part of the country. As a contribution to the reconciliation process in Burundi, efforts were focusing on creating conditions conducive to repatriation. Although limited to some 13,000 in 1998, there were encouraging signs that this movement would gain in momentum. In Southern Africa, alternative durable solutions would be sought for Angolan refugees. Efforts will be made to ensure protection and assistance for some 4,000 Congolese refugees present in Angola.

11. For the longer-term, continued importance would be given to voluntary repatriation. It was hoped that the return of almost 500,000 Liberian refugees would be concluded during the year 2000, subject to prevailing conditions. Since 1998, some 260,000 have returned home mainly from Côte d'Ivoire, Ghana, Guinea, Nigeria and Sierra Leone, some of them spontaneously, without UNHCR's assistance. He recalled that the repatriation to Northwest Somalia, that had seen an estimated 48,000 refugees leaving camps in eastern Ethiopia, had unfortunately been halted in November 1998, when the authorities in the region of return decided to suspend the operation. Both these cases illustrated the need for sustainable reintegration in countries of origin, in order to bridge the gap from relief to development in post conflict situations.

12. In a number of situations, UNHCR was committed either to scaling down (as in Rwanda), or to phasing out (as in the cases of assistance to Ethiopians who had fled the country prior to 1991, and to Eritrean refugees). Outlining UNHCR's goals for 1999, the Director mentioned a series of priority measures. They included capacity-building, involvement in conflict management and prevention, as well as promoting voluntary repatriation and sustainable reintegration.

13. In the ensuing discussions, delegations reaffirmed their commitment to supporting both relief efforts and conflict resolution initiatives in Angola, Sierra Leone, the Democratic Republic of the Congo, the Republic of the Congo, Guinea Bissau and the border dispute between Eritrea and Ethiopia. The fact that UNHCR was involved in preparing or updating contingency plans in some of these countries was also welcomed as an important preparedness

measure. As regards West Africa, delegations acknowledged the important role played by ECOMOG (ECOWAS Monitoring Group) in the sub-region, and encouraged UNHCR to reinforce its involvement in conflict prevention and resolution through increased cooperation with regional and sub-regional organizations.

14. Several delegations made reference to the impact of the presence of refugees on host countries, making special mention of environmental degradation on which technical cooperation and assistance was needed. The renewed commitment to mainstream refugee children and refugee women issues was welcomed. An observer delegation representing NGOs asked that more attention be given to the issue of violence against refugee women. One delegation also requested that the Standing Committee be kept informed of the implementation of the Liberian Children's Initiative.

15. Some delegations voiced concern at the lack of funds in repatriation operations, affecting the reintegration of Liberian, Somali and Ethiopian returnees. It was also stressed that, while seeking the assistance of the international community, countries of origin ought to ensure that conditions for a return in safety and dignity are met.

16. Referring to the current restructuring of the Headquarters Bureau for Africa, one delegation hoped that it would result in a more coordinated approach to UNHCR's activities in Africa.

17. Responding to a number of specific enquiries made in the course of the discussions, the Director of the Bureau for Africa reaffirmed the importance of close coordination at an interagency level. This was particularly relevant in seeking a lasting solution to the Somali crisis. The need for coordination also extended to other intergovernmental agencies, such as the International Committee of the Red Cross, to avoid the risk of any duplication in areas such as human rights training. Referring to the concern expressed by some delegations that UNHCR was considering applying the cessation clause to Ethiopian and Eritrean refugees residing in the Sudan, he explained that UNHCR faced a dilemma since the initial cause of flight had disappeared and the need for international protection could no longer be justified. Such a step would only be carried out, however, following consultations with all parties concerned.

18. In conclusion, he paid tribute to the Chairman of the Executive Committee for his recent mission to West Africa, and for the strong commitment conveyed in his report. He appealed to member States for a continued and strengthened political as well as financial support to meet the formidable challenges faced by UNHCR in Africa.

19. In the course of the discussion on policy and developments in Africa, many delegations made reference to the contents of document EC/49/SC/INF.2 on *Security, and Civilian and Humanitarian Character of Refugee Camps and Settlements* which was welcomed as a useful framework for discussions. It was widely acknowledged that the issues are complex and far-reaching.

20. Several delegations spoke in favour of priority being given to the "soft" options, i.e. preventive measures. Here, attention was drawn to links with UNHCR's protection activities, including training in refugee law. One delegation mentioned the importance of capacity-building in procedures relating to the determination of refugee status. Mention was also made of

the important role played by refugees themselves in planning and implementing security measures. In this context the key contribution of refugee women was highlighted. One delegation observed, however, that the success of preventive measures assumed certain favourable conditions which were not always present.

21. On the question of the deployment of civilian or police monitors ("medium" option), several delegations expressed support for the proposal to use multi-national civilian or police observers to conduct monitoring missions. On the other hand, there were strong reservations concerning the deployment of private security agents. One delegation stated that it is imperative to avoid confusion between humanitarian workers and military law enforcement agencies. While complementary, their roles are distinctly different.

22. The Assistant High Commissioner was encouraged to note the interest shown by delegations in the issues, as well as their clear support for preventive measures. Such measures, however, have cost implications which will need to be addressed. Responding to an enquiry from one delegation on the notion of Liaison Groups (para. 14 of document EC/49/SC/INF.2), he explained that UNHCR is in the process of discussing various models. These could include rosters of qualified individuals, or the conclusion of a "Government Package" arrangement.

23. Referring to the link between the safety of humanitarian staff and camp security, he observed that the new Headquarters structure now placed its Field Safety Section within the Department of Operations. Lastly, he recalled that ensuring the security, and civilian and humanitarian character of refugee camps is an issue going beyond UNHCR's mandate, requiring the participation of many actors, including States. The options proposed have been developed in consultation with the United Nations Department of Peace-Keeping Operations, as part of the follow-up to the Secretary-General's *Report on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, issued in April 1998. This is still "work-in-progress". An informal briefing was planned for later in February 1999, to which Executive Committee members were cordially invited.

C. Central Asia, Southwest Asia, North Africa and the Middle East (CASWANAME)

24. The Director of Operations for CASWANAME provided the Standing Committee with a comprehensive presentation of UNHCR's strategies and objectives in the region, recalling that some of the most long-standing and complex refugee problems in the world are to be found here.

25. Significant progress had been made in Central Asia, including accession to international refugee instruments by four of the five Central Asian states, the adoption of national refugee laws and establishment of legal and administrative frameworks at national level to manage asylum seekers and refugees. By contrast, the lack of peace and stability and respect for human rights in Afghanistan continued to prevent the implementation of durable solutions for Afghan refugees in the Islamic Republic of Iran and Pakistan. Increased financial and political support was needed to protect and assist this group. In the Middle East, the instability of the situation in Iraq had led to an increase in the number of asylum seekers in the surrounding region. The situation of Turkish refugees in Iraq had recently improved with UNHCR's

return to Makhmour camp. The return of Iraqi refugees from the Islamic Republic of Iran had been suspended since mid-1998. In Yemen, large numbers of Somali and Ethiopian refugees who arrived last year had required increased assistance and improved screening and registration procedures. As for Western Sahara, the solution of the Sahrawi refugee problem was directly linked to the success of the United Nations Settlement Plan. Meanwhile, activities were being financed from the balance of funds from previous appeals, but should there be a breakthrough allowing implementation of the Settlement Plan, a new Special Appeal would be launched.

26. In the course of the debate, several delegations expressed concern over the lack of progress in finding solutions for Afghan refugees. Referring to the burden placed on countries of asylum, two delegations reiterated the need to study the economic and social impact of the long-term presence of large number of refugees. Some delegations also emphasized the importance of mainstreaming projects benefiting women and children as a key objective for UNHCR. Several delegations welcomed the progress achieved in Central Asia, and congratulated Kazakhstan for their recent accession to the 1951 Convention and 1967 Protocol. The relevance of such achievements to the Programme of Action of the Conference of Independent States was also emphasized, and UNHCR was urged to continue to strengthen its contacts with the Organization for Security and Cooperation in Europe. Concerning activities in the Middle East, one delegation congratulated UNHCR for its efforts at contingency planning in the face of continuing tension over Iraq. Serious concern was expressed, however, by one delegation that the civilian nature of Makhmour camp in northern Iraq was being compromised by the presence of armed infiltrators. Delegations also questioned whether UNHCR offices in countries neighbouring Iraq would be able to manage a potential increase in the number of refugees in the region. Concern was also expressed about the continuing influx of refugees into Yemen. Another delegation noted with appreciation UNHCR's efforts to strengthen its contacts with the Arab League and Organization of the Islamic Conference and suggested this should be pursued. As regards preparations in Western Sahara, a number of delegations suggested that UNHCR should increase the involvement of NGOs, and concert with the United Nations Development Programme and the World Bank on the longer-term reintegration needs of the returnees.

27. In his response, the Director of CASWANAME gave details of specific aspects of a number of these operations. He confirmed that efforts are underway in Central Asia to increase the capacity of local NGOs to manage project activities, and to provide support to regional institutions such as the Bishkek Migration Management Centre, in order to create a pool of well trained staff to allow for future handover of activities. In Makhmour camp, UNHCR was present on a daily basis and has agreed on various measures with the government authorities to ensure the civilian nature of the camp. Regarding Afghanistan, the Assistant High Commissioner stressed the need to refocus and re-energize the efforts of the international community towards finding solutions. He would shortly be undertaking a mission in an attempt to unblock the situation. He also drew attention to the critical importance of sufficient financial resources for programmes in the CASWANAME region, beset both by its dangerous security environment, and long standing refugee problems.

D. UNHCR's proposed new budget structure

28. Introducing this item, the Director of the Division of Resource Management drew attention to the latest consultations on UNHCR's budget structure that had taken place on 22 January 1999 (EC/49/SC/CRP.5). He recalled that these consultations had confirmed the agreement on having a unified annual budget structure, with overall agreement on one Operational Reserve (in place of three at present). Implementation of the new budget structure would need to take place in stages since prior and current years would need to be reported against budgets already approved under the current structure. Progress was also linked to work underway on developing and introducing new information systems. He also referred to the forthcoming meeting (17 February 1999) of the ACABQ in New York, at which he would present the new budget structure.

29. In the ensuing discussion, delegations confirmed their support for the new approach, considering that the new structure would result in greater transparency and a sounder management tool. One delegation observed, however, that the guidelines on the use of the Operational Reserve might be too broad and could perhaps be tighter.

30. On the wider issue of resource mobilization, there was consensus that the trend towards increased earmarking, together with the unpredictable nature of levels and timing of contributions, hampered the effectiveness of UNHCR's activities. In this context, one delegation made reference to his Government's efforts to make its contribution known and available at an early stage of the year. Several delegations welcomed the informal paper on the earmarking of contributions and its effect on UNHCR operations which was made available in the room. While acknowledging that Governments had their own constraints as donors, there was consensus that the practice of earmarking should be limited wherever possible.

31. Several delegations welcomed the efforts currently underway by UNHCR to set priorities in order to address gaps between assessed needs and available income. One delegation observed, however, that such an exercise should be associated with strategic planning rather than a budget exercise. Another delegation expressed the hope that the results of this exercise would be shared with the Committee.

32. In response, the Director of Resource Management, and Head of the Donor Relations and Resource Mobilization Service confirmed that the observations made by the ACABQ both on the budget structure and on the issue of earmarking (for which the informal paper was being made available to ACABQ) would be shared with the Committee in further informal consultations. This was a dynamic process, involving continued opportunities for exchange. Meanwhile, the programming instructions already shared with the field contained elements allowing for a budget presentation in October for the year 2000, using the new structure. In conclusion, the Assistant High Commissioner observed that the task of setting priorities was the High Commissioner's responsibility, based on her mandate and on policy guidelines from the Executive Committee. These priorities would be the subject of informal consultations, before presentation to the Executive Committee, in anticipation of firm donor support.

V. PROTECTION/PROGRAMME POLICY

A. Follow-up to the annual theme

33. Introducing this item, the Chairman recalled the extensive debate that had taken place at the Executive Committee's last plenary session. He drew attention to issues emerging from those discussions that warranted further discussion, as identified in document EC/49/SC/INF.1.

34. As prelude to this discussion, one delegation insisted on philosophical and ethical issues associated with the notion of burden-sharing. What was at stake was a basic respect for human dignity, and acceptance of common responsibility as demonstrated through actions of solidarity. Without this dimension, the debate had little meaning.

35. Several delegations expressed support for the protective role of the state through accessions to international instruments, such as the 1951 Convention and 1967 Protocol. Efforts must continue to encourage universal accessions. While one delegation drew attention to the usefulness of burden-sharing mechanisms at a regional level, another pointed out that, as stated in the Chairman's mission report, the refugee problem is a global problem. While a distribution of asylum arrangements may work in one region, such arrangements cannot always succeed on their own, and it is necessary for the international community to collectively address the root causes of refugee producing situations in conjunction with international organisations and other relevant actors.

36. Responding to a general concern for practical examples, the Assistant High Commissioner observed that the Standing Committee's agenda includes a series of specific items with links to burden-sharing. The most topical include solutions to camp security through cooperation at various levels; the campaign for universal adherence to the Convention and Protocol by the end of 2000; multilateral consultations within the context of the CIS conference and of CASWANAME, as well as the European Union's newly created Working Group on asylum and migration (with which UNHCR is associated). He proposed that a paper reflecting these various issues could be prepared in order to highlight specific suggestions such as these.

37. Concluding the debate, the Chairman proposed that this work could be done in consultation with interested delegations, notably one which had expressly offered substantive input. It might also include an inventory of tools and resources, as suggested by another delegation, and thus respond to the general concern for practical applications as opposed to abstract theory.

B. Reintegration

38. The Director of the Division of Communication and Information recalled how, at its last session, the Executive Committee had asked the High Commissioner to keep the Committee informed of initiatives taken to involve other actors, especially development and financial institutions, in the issue of reintegration. These were described in document EC/49/SC/CRP.6.

39. In this context, he drew special attention to the recent Roundtable on the Gap between Humanitarian Assistance and Long-term Development, convened by the President of the Brookings Institution in Washington, and co-sponsored

by UNHCR and the World Bank. It brought together participants from some 30 Governments, international and non-governmental organizations, highlighting the shared involvement of a wide spectrum of humanitarian and development actors. Its purpose was to explore how the international community, in support of national actors, could better ensure a more successful transition from conflict to sustainable development and peace in societies emerging from conflict. The many unmet needs of post-conflict societies and the failed transitions from conflict to real peace and development attested to the inadequacy of the current approaches. The dialogue was premised on the fact that there were currently a number of institutional and funding gaps which were impeding a smooth transition. These points were spelt out in an introductory note by James Wolfensohn, President of the World Bank, and the High Commissioner, entitled *The Transition to Peace in War-Torn Societies: Some Personal Observations*.

40. Participants in the Roundtable recognized that the issue before them was not new; it had, however, taken on added urgency of late. In spite of how the gap(s) might be conceptualized and articulated, they were, nevertheless, real; they created human displacement and suffering, especially in the form of the desperation of poverty, a society bereft of human rights, and an environment characterized by a fragile peace. The gaps needed to be addressed by a concerted effort and renewed partnerships between the people affected, national actors, multilateral organizations, bi-lateral donors and the non-governmental community. The international community had to organize itself better for this task in terms of institutional arrangements, and flexible, predictable funding arrangements.

41. The Roundtable agreed that the next step should be the formation of a small, representative Action Group to be convened by the President of the Brookings Institution to review further the institutional arrangements for development in post-conflict societies and how to support such a transition through more predictable and timely resources. The meeting of the Action Group was scheduled for 12 March 1999. The Roundtable would review the results of the Action Group's work sometime in the spring; these conclusions would also provide the basis for a broader-based, subsequent meeting which would carry to conclusion the work of the Roundtable and the Action Group.

42. Several delegations expressed their support for these initiatives. While recognizing the importance of placing the institutional and funding gaps on the political agenda of the international community, some delegations stressed the importance of sound planning of reintegration operations, as a key element of the sustainability of the reintegration/reconciliation process. In this connection, they referred to the UNHCR Operational Framework for Repatriation and Reintegration Operations in Post-Conflict Situations, which had been the subject of a series of informal consultations in 1998. The Standing Committee expressed appreciation for the work currently in progress on the Framework, including plans to test it in two or three post-conflict countries, as agreed during the Standing Committee informal consultations. One delegation specifically stressed the importance of reconciliation in the reintegration process and indicated the need to concretely translate this aspect into action through carefully selected and designed community-based reintegration projects and training seminars.

43. Finally, UNHCR was requested to report, at the next Executive Committee session, on progress achieved and constraints encountered in advancing further the inter-agency cooperation as well as in implementing the Operational Framework.

VI. COORDINATION

44. The Head of Secretariat and Inter-Organization Service recalled that th Planning Meeting of the Standing Committee on 8 December 1998 had decided to place this item on the Committee's agenda throughout the year. In accordance with the wishes of the Standing Committee, she proceeded to outline coordination in the Administrative Committee on Coordination (ACC), the Inter-Agency Standing Committee (IASC), the Executive Committee for Humanitarian Affairs (ECHA) and the new Humanitarian Segment of the Economic and Social Council (ECOSOC).

45. ACC, the oldest of the coordinating bodies, brings together heads of al United Nations specialized and other agencies, funds and programmes, as well as the Bretton Woods institutions. As a forum for discussion and coordination of system-wide action, it currently deals with key issues relating directly or indirectly to the United Nations reform process. The last two ACC sessions have been preceded by private meetings with the Secretary-General, providing a welcome opportunity to discuss issues of common concern in an informal manner. At the initiative of the High Commissioner, the issue of staff safety and security has become a standing item on the ACC agenda. This had led to the adoption of two statements in 1998 underscoring the need to reinforce safety and security measures, particularly training, and the responsibilities of Member States to ensure the safety of United Nations and associated personnel.

46. The IASC seeks to strengthen coordination between humanitarian and othe agencies, including non-United Nations actors. Operating mainly through working or reference groups of varying compositions, it addresses issues such as improvements to the consolidated appeals process, establishing a global database and training module on internally displaced persons, etc. It is serviced by a secretariat situated within the Office of the Coordinator for Humanitarian Affairs, which also supports ECHA. The latter is a new Secretariat body resulting from the United Nations reform process, meeting under the Chairmanship of the Emergency Relief Coordinator. Its agenda focuses on country-specific situations of particular concern to the Security Council.

47. ECOSOC's Humanitarian Segment will meet for the second time in July in Geneva. After a general debate based on the Secretary-General's Report, a second day will be devoted to the theme of "International Cooperation and Coordinated Responses to the Humanitarian Emergencies, in particular, in the transition from Relief to Rehabilitation, Reconstruction and Development".

48. Delegations noted that the plethora of coordinating bodies could give rise to confusion, and that more systematic information would be welcome. One delegation regretted the lack of consultation with Geneva on the choice of ECOSOC's humanitarian theme. In response to a question concerning the impact of discussions in these various fora at field level, the Head of Secretariat and Inter-Organization Service acknowledged that there was a tendency for discussions to be Headquarters-driven, but that improvements

were currently underway, notably due to the presence at IASC meetings of humanitarian co-ordinators representing the practical concerns of their respective countries.

VII. GOVERNANCE

49. As a contribution to the process of selecting the Annual Theme for the fiftieth session of the Executive Committee, the following was proposed by one delegation: "Strengthening partnerships to strengthen protection on the ground". It was in keeping with the fiftieth session that the focus should be on protection, while recognizing that ensuring and delivering protection was increasingly complex and could only be achieved through effective partnerships. It was also felt that a theme such as this would build on last year's burden sharing theme.

50. General support was expressed for this proposal. One delegation, supported by several others, suggested that the theme might usefully be expanded to include reference to security issues in view of their bearing on the protection function. A possible formulation might be: "Strengthening of partnerships to promote protection and security on the ground". Other delegations made suggestions as to specific elements that might be covered under such a theme, including peace-building. One delegation was, however, in favour of a more general theme: "Protection in the 21st Century".

51. In summing up the debate, the Chairman noted that there was consensus on the focus on "protection" in combination with "partnerships", but that several delegations were concerned that there should be some practical outcome. It was important to translate theory into guidelines for action. He noted that there was wide support for the theme as initially enunciated, and that several delegations were in favour of including some reference to security issues along the lines proposed in the amended version. He proposed that further contacts should take place with interested delegations on such editorial adjustments, prior to a decision at the June meeting of the Committee.

VIII. MANAGEMENT, FINANCE, OVERSIGHT AND HUMAN RESOURCES

A. Standardization of UNHCR reporting

52. The Director of the Division of Communication and Information recalled that there had been a series of consultations on this subject, and drew attention to a progress report submitted to the Standing Committee giving an account of the subjects covered (EC/49/SC/CRP.7). He recalled how UNHCR's move towards Global Appeals and Global Reports on its programmes had been prompted by a will to rationalize and streamline existing procedures, particularly in light of the multiple reports it was required to produce, including governance documentation and customized donor reports. The new arrangement followed a new reporting cycle linking the Global Appeal and Global Report, Mid-Year Progress Report and periodic Updates on Programmes and Funding. He also drew attention to proposals for a standard narrative report, which would integrate protection more clearly, and focus on results in terms of impact and delivery (Annexes 1 and 2 of EC/49/SC/CRP.7). He then drew attention to a draft decision on the standardization of UNHCR reporting that was now tabled with the Committee for approval.

53. Many delegations expressed their support for these proposals, observing that they should result both in a lighter administrative burden for UNHCR and an improved quality of reports. Some delegations pointed out that specific donor requirements might still call for separate reporting in some cases. One delegation suggested that such individual requirements might be accompanied by donor assistance.

54. One observer delegation, however, recorded reservations as to the changes proposed. He observed that discussions were currently underway in New York aimed at establishing simplified reporting norms for all United Nations agencies. UNHCR's proposals were therefore premature.

55. Several delegations hoped that the new approach would result in more transparent reporting on protection. It was also observed that, as the new standardized reporting was being introduced on a pilot basis, there would be more opportunity for comment and guidance by the Committee.

56. In response, the Director of the Division of Communication and Information confirmed that it was intended to include a budget line for protection activities. He also confirmed that the new arrangement would not be applied retroactively, and that requests for donor reports for contributions made in 1998 would be met. He added that it was not expected that the new reporting procedure would obviate all individual requirements, but drew attention to UNHCR's request for such requirements to be made known in advance.

57. Concluding the discussion, the Chairman assured the Committee that informal discussions would continue on this important subject. Meanwhile, the draft decision presented to the Committee was adopted (see Annex).

B. Enhancement of the evaluation function in UNHCR

58. The Inspector General drew attention to a review of UNHCR's evaluation function undertaken in 1998 by a private firm and a consultant (EC/49/SC/CRP.8). A complementary, internal review of the evaluation function had resulted in relocating the new Evaluation and Policy Analysis Section within the Department of Operations, reporting directly to the Assistant High Commissioner.

59. Delegations expressed their satisfaction with the report, observing that UNHCR's evaluation function had been neglected in the past, as demonstrated by the relatively low level of resources devoted to it. They emphasized the importance of this function in helping the Organization to take full advantage of lessons learned through experience. This was of special value for field staff, especially those working in isolated areas. They welcomed the place given to this function within the new Headquarters structure.

60. Several delegations also drew attention to the need for increased transparency, stressing that evaluation reports should be made readily available not only to all UNHCR staff, but to Executive Committee members, United Nations agencies and other interested parties. On the issue of resources, it was acknowledged that additional funds and qualified staff were needed. However, these might be found through joint evaluations using expertise made available by donors, for example. Some delegations pledged their support for such an approach.

61. Referring to the provisional work programme for 1999 (EC/49/SC/CRP.8/Add.1), several delegations expressed their concern not to find included a strategic Plan of Action specifying how the recommendations will be implemented. It was acknowledged that implementation will need to be progressive as all could not take place at once. However, it was essential to specify timeframes and responsibilities and estimate costs.

62. The Inspector General took note of these suggestions. On the issue of distribution of evaluation reports, he recalled that a commitment had already been made at the last session of the Executive Committee. There were cost implications, however, and the possibility of making the reports available electronically would be examined. He also mentioned that more resources were being allocated to self evaluation at operational level under the proposed OMS.

63. Concluding the discussion, the Chairman observed that there was general consensus on the fact that improvement is needed, and that UNHCR still has some way to go. There was also agreement on proposals for joint evaluations, transparency in distribution of reports and a draft Plan of Action. The first round of informal consultations should take place in the coming months, and a Plan of Action be prepared before the next debate on evaluation in the Standing Committee.

C. Safety and security of staff

64. The Deputy High Commissioner emphasized the paramount importance of staff safety, drawing attention to an update of issues contained in document EC/49/SC/INF.3. In this context, he drew special attention to the immense relief caused by the recent release of Mr. Vincent Cochetel after 11 months of captivity, and expressed deep gratitude for the sustained support of members of the Executive Committee throughout this ordeal. Training remained an important element of UNHCR's efforts to protect its staff. However, the responsibility of States and authorities on the ground was crucial. When this could not be guaranteed, the support of member States remained essential.

65. Several delegations endorsed the importance of training, and the need for close coordination at the interagency level. This was also highlighted in a statement by an observer from a United Nations agency, with special mention of coordinated efforts with the United Nations Security Coordinator (UNSECOORD). Delegations also re-emphasized the importance of the support of member States. One delegation mentioned that the longer-term goal must be to secure a safer environment, and that the Security Council must be involved in this.

66. Welcoming the recent entry into application of the Convention on Safety of the United Nations and Associated Personnel, one delegation also confirmed the importance of adequate funding for staff security, pledging a contribution to the Trust Fund for this purpose. Another delegation supported the call for funding and asked for an estimate of costs involved.

67. Concluding the discussion, the Deputy High Commissioner thanked the Standing Committee for its many expressions of concern on this important issue. He also confirmed that, at the administrative level, preparations were underway to create a separate budget line dedicated to funds required for security, as recommended by ACC.

IX. ANY OTHER BUSINESS

68. The Chairman informed delegations that the General Assembly decided last year to increase the number of members of the Executive Committee to 54. Mozambique was expected to soon become the 54th member. In addition, the Chairman informed delegations that Côte d'Ivoire is seeking membership in the Executive Committee and that this request is being considered by the Economic and Social Council in New York.

69. There being no further business, the Chairman closed the meeting.

DECISION ADOPTED BY THE FOURTEENTH STANDING COMMITTEE

STANDARDIZATION OF UNHCR REPORTING

The Standing Committee,

Recalling the strong endorsement by Members of the Executive Committee during the thirteenth meeting of the Standing Committee on 2 October 1998 to hold consultations on the standardization of UNHCR reporting, and having considered the outcome of the consultations on the issue (EC/49/SC/CRP.7),

Recognizing the burden placed on UNHCR as a result of multiple and disaggregated reporting requirements, including customized donor reporting,

Emphasizing the need to streamline the preparation and formats of UNHCR reports with a view to contributing to greater efficiencies,

Noting UNHCR's efforts towards a comprehensive presentation of the Organization's global requirements, achievements and constraints in appeals and reports that provide a global perspective of the work of the Office,

Reiterating the importance in this regard of the Global Appeal and the preparation of a Global Report on UNHCR's programmes worldwide,

Welcoming the presentation for the first time in 1998 of a Mid-Year Progress Report on UNHCR's programmes, which provided an update on the achievements and constraints of programmes during the first six months of the year, as well as adjustments necessitated by the operational environment and funding constraints and thus allowed Members of the Executive Committee to set funding priorities accordingly,

Recognizing that the availability of comprehensive, quality information on the use of resources provided to the Office could contribute to more predictable funding of UNHCR,

Emphasizing that reporting on UNHCR's programmes requires a strong focus on protection activities, impact, actions aimed at gender mainstreaming, and the implementation of UNHCR's policies on women, children and adolescents as well as the environment,

(a) Requests that, starting in 1999, UNHCR present to Members of the Executive Committee a Global Report in June of the year following programme implementation and a Mid-Year Progress Report in August of the year of programme implementation; this will be followed in November by the issuance of the Global Appeal for the programmes of the following year;

(b) Asks that the contents of the narrative and format of the financial parts of the report follow the outlines considered by the Standing Committee on 9-11 February 1999 and presented in Annexes I and II to EC/49/SC/CRP.7;

(c) Notes that the Global Report aims at providing the basis for reporting on the use of donor contributions and, in this respect, at replacing the customized narrative and financial reports so far submitted to donors by UNHCR's Funding and Donor Relations Service, effective for reports due in 1999 for contributions provided during the 1998 programme year;

(d) Requests that:

(i) Any reporting requirements that go beyond the Global Report be brought to UNHCR's attention in a timely fashion;

(ii) UNHCR and the donor concerned agree on the specific arrangements to address such requirements, including possible resources required;

(e) Recommends that having given Members of the Executive Committee time to consider the first Global Report, a review take place during the fiftieth session of the Executive Committee with a view to enhancing UNHCR's reporting efficiency and effectiveness, and streamlining the production of documentation as well as ensuring that the Global Report covers the areas of interest of Members of the Executive Committee.

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Fiftieth session

NOTE ON INTERNATIONAL PROTECTION

I. INTRODUCTION

1. UNHCR's obligatory mandate responsibility is to ensure protection to refugees and to work with States to facilitate lasting solutions to refugee problems. In carrying out these responsibilities, it has had to contend over recent years not only with a refugee situation of broadening scope and deepening complexity, but also with an increasing reluctance of States to grant the necessary protection within the agreed international framework. The sheer magnitude of the post-Cold War problems, the levels of national and regional insecurity they generate and State reluctance to continue to meet what are seen as the rising financial, political, environmental and social costs of maintaining large refugee populations, or receiving a continuous flow has had a marked and negative impact on the willingness of countries to provide asylum. The blurred distinction in countries not only in the North but increasingly too in the South between refugees and other irregular migrants has further eroded the consensus on the importance of asylum.

2. This environment is an enormous obstacle in itself to the efforts of the international community to address refugee problems in a proper and principled manner. To overcome it, there is first a need carefully and precisely to define the challenge it poses, which is not about how to build barriers to keep people out, but how to manage refugee and migratory movements in a way that upholds human rights and humanitarian principles, while addressing the legitimate concerns of States and their receiving communities. Winning acceptance of this as the best and right way to approach the problem is a formidable protection challenge for UNHCR.

3. Consistent with its traditional purpose, this Note reports on the protection problems encountered over the past year for refugees and other persons of concern to UNHCR, together with developments impacting generally on the protection situation. In doing so it endeavours also to show that a

responsible balance must and can be struck between State interests and international responsibilities, and that without this balance refugee protection is in serious jeopardy.

II. OVERALL SITUATION

4. It was heartening that many States -- including a large number of developing countries with limited resources for their own internal demands -- have continued to honour their humanitarian obligations towards refugees, and generously offered protection to those in need. In the context of the ongoing tragedy in Kosovo, the ability of the international community to deal with a situation of mass displacement has again been severely tested. In spite of the enormous burden placed upon them by the influx, Albania and The former Yugoslav Republic of Macedonia, continued to receive large numbers of refugees on a daily basis. Other asylum countries, within the region and beyond, responded generously and rapidly when the pace and size of the arrivals threatened to overcome the capacity of neighbouring countries to receive them. The programme of humanitarian evacuation from The former Yugoslav Republic of Macedonia stands as a fine example of international solidarity and burden-sharing.

5. In the same spirit, a number of States have contributed in an exemplary manner to strengthening asylum capacity inside the main receiving countries of Kosovar refugees. This has extended to the setting up and temporary management of refugee centres and camps. UNHCR welcomes the assumption by States of responsibility for refugee protection. As the Executive Committee of the High Commissioner's Programme has affirmed as recently as last year, refugee protection is primarily the responsibility of States and is best achieved through effective cooperation among States, UNHCR, and other international organizations and actors concerned, in a spirit of international solidarity and burden-sharing.[1] It is also clear that protection must always be managed within the framework of internationally agreed protection principles, including those which underlie the civilian and humanitarian character of refugee work.

6. UNHCR also welcomed new initiatives by States to review some of the more restrictive elements in their asylum legislation, and to re-examine the need for additional safeguards. The European Commission's working document, *Towards Common Standards on Asylum Procedures*", adopted on 3 March 1999, contained a number of encouraging suggestions in this regard. As the European Union prepares to implement the asylum-related provisions of the Amsterdam Treaty within the next five years, UNHCR has been looking at ways to increase its cooperation with the European Union and its Member States, with a view to ensuring continued respect for basic refugee protection principles. The European harmonization initiative has been approached as an important test case of the viability of regional solutions to refugee problems, and the willingness and ability of States to define their interests jointly in the asylum area beyond the traditional focus on the nation State.

7. The accession of Kazakhstan to both the 1951 Convention relating to the Status of Refugees and the 1967 Protocol and the significant number of States adopting implementing legislation have demonstrated the continued commitment

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[1] Conclusion No. 85 (XLIX) of 1998 - A/AC.96/911, para. 21.

of many States to the existing refugee protection regime. Since the initiation of its current accession campaign, UNHCR has received encouraging signs that an additional number of States intend to accede to the Convention and the Protocol between 1999 and 2000.

8. These and similar efforts elsewhere have greatly contributed to the protection of more than 22 million refugees and internally displaced persons under UNHCR's mandate. Yet, setbacks in the refugee situation were also witnessed during the period under review. Systematic violations of human rights, blatant disregard of humanitarian law, wholesale expulsions of populations and large-scale "ethnic cleansing" caused significant displacement both internally and across borders in many regions of the world.

9. The reporting period was also marked by serious breaches of the internationally recognized rights of refugees and asylum-seekers. Instances of denial of access to protection, including through closure of borders, non-admission to territory or to asylum procedures, or through direct or indirect *refoulement* and other acts seriously endangering the life and physical security of refugees and asylum-seekers, continued to occur. A similar disturbing development has been the spread of restrictive policies from one country or region to other, often distant, countries or regions.

10. Overall, UNHCR detected a distinct trend in an increasing number of States to move gradually away from a law or rights-based approach to refugee protection, towards more discretionary and ad hoc arrangements that give greater primacy to domestic concerns rather than to their international responsibilities. These restrictive tendencies found their most recent manifestation in one country where legislative proposals aimed at doing away with the distinction between aliens and refugees, including dropping any requirement for specific determination of refugee status under the 1951 Convention.

11. There is a worrying recent tendency on the part of some States to present problems as resulting more from wars and conflicts than from persecution in the classic sense of Article 1 A of the 1951 Convention, and to argue that the 1951 Convention offers an increasingly inadequate framework to address present-day challenges. Calls for an alternative refugee protection regime to that of the 1951 Convention have been made.

12. This argument is inherently dangerous and, at best, misguided. Persecution, whether occurring in time of peace or of war, continues to be one of the major causes of refugee movements world-wide. The Convention and Protocol remain the firm and universally accepted foundation for the protection of those who have been forced to leave their country owing to serious threats to their fundamental human rights to life, security, freedoms and dignity. Both the United Nations General Assembly[2] and the Executive Committee[3] have emphasised the primacy of these instruments, and confirmed that they form the international legal basis for the protection of refugees.

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[2] General Assembly resolution adopted on 21 December 1995 (A/RES/50/152).
[3] Conclusions Nos. 68 (XLIII) of 1992 - A/AC.96/804, para. 21; 71 (XLIV) of 1993 - A/AC.96/821, para. 19; 74 (XLV) of 1994 - A/AC.96/839, para. 19; 77 (XLVI) of 1995 - A/AC.96/860, para. 19; 79 (XLVII) of 1996 - A/AC.96/878, para. 21; 81 (XLVIII) of 1997 - A/AC.96/895, para. 18; and 82 (XLVIII) of 1997 - A/AC.96/895, para. 19.

13. As is clear from the above, the 1951 Convention continues to be the starting point for protection-based responses to mass arrivals of asylum-seekers. It may, however, need to be supplemented by complementary mechanisms, notably as regards persons fleeing indiscriminate violence which is not persecution-based. The need to accord protection to this category of individuals has been recognized in a number of national legislations in the form of "humanitarian status", "de facto status", "exceptional leave to remain", "B status", etc. These complementary mechanisms for protection are based on the fundamental universal principles enshrined in the Convention, and developed in Conclusions of the Executive Committee and through State practice.

14. Major problems in protecting refugees have arisen through non-compliance with, or unduly narrow application of the existing refugee treaties. Contrary to the aims of the 1951 Convention regime, current policies and practices in some regions are designed to restrict access to safety rather than to facilitate such access. The essential need today is for the uniform, liberal and positive application of existing refugee instruments.

15. The sections that follow review UNHCR's main protection concerns during the reporting period and some of the activities undertaken by the Office to address them.

III. ADMISSION AND ASYLUM

A. Admission to procedures

16. Every refugee is, initially, an asylum-seeker. Therefore, refugee protection demands that asylum-seekers be treated on the assumption that they may be refugees until such time as their status has been determined. Except in situations of large-scale influx where individual determination of asylum claims may not be practical, all asylum-seekers should, in principle, have access to individual refugee status determination procedures.

17. UNHCR is seriously concerned about the fact that access to asylum procedures has sometimes been denied on the grounds of nationality (based on the notion of "safe country of origin") or on grounds directly connected with the substance of the refugee claim notably the possible application of the exclusion clauses of Article 1F of the 1951 Convention, and of the so-called "internal flight alternative".

18. It is also a matter of concern that some States have introduced time limits for the filing of asylum requests, after which applications are not admitted to the asylum procedure. The use of time limits as a bar for a person to apply for asylum is contrary to accepted asylum and refugee protection principles. As the Executive Committee affirmed in its Conclusion No. 15 (XXX) of 1979[4], while time limits may well be set for certain specifi

[4] A/AC.96/572, para. 19.

administrative purposes, the asylum-seeker's failure to submit the request within a certain time limit should not lead to the asylum request being excluded from consideration.[5]

19. The widespread misuse of the notion of "safe third country" has been another major concern for UNHCR. Due to an inappropriate application of this notion, asylum-seekers have often been removed to territories where their safety cannot be ensured. This practice is clearly contrary to basic protection principles and may lead to violations of the principle of *non-refoulement*. As is clear from relevant Conclusions[6] of the Executive Committee, no asylum-seeker should be returned to a third country for determination of the claim without sufficient guarantees, in each individual case: that the person will be readmitted to that country; will enjoy there effective protection against *refoulement*; will have the possibility to seek and enjoy asylum; and will be treated in accordance with accepted international standards.

20. An individual analysis must be done to establish whether the asylum-seeker can be sent to a third country. The question of whether a country is "safe" is not a generic one which can be answered for any asylum-seeker in any circumstances (i.e. on the basis of a "safe third country list"). A country may be "safe" for asylum-seekers of a certain origin and "unsafe" for others of a different origin, also depending on the individual's background and profile.

B. Abusive or manifestly unfounded claims

21. In Conclusion No. 30 (XXXIV) of 1983[7], the Executive Committee noted that applications for refugee status by persons who clearly have no valid claim to be considered refugees under the relevant criteria constitute a serious problem in a number of States. It was accepted that national procedures for the determination of refugee status could include special provisions for dealing in an expeditious manner with such unfounded applications.

22. Since the adoption of that Conclusion, the notions of manifestly unfounded and abusive applications have, in the practice of certain States, been gradually extended beyond the original meaning of these terms. Claims raising questions relating to exclusion from refugee status or to the application of the so-called "internal flight alternative", have increasingly been treated as manifestly unfounded and handled under accelerated procedures, rather than benefiting from the full procedure, as should have been the case.

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[5] A time limit may be set for the purpose of applying Article 31(1) of the 1951 Convention. This provision exempts from penalties for illegal entry or presence, those refugees who have arrived directly from a territory where their life or freedom was threatened, "*provided they present themselves without delay to the authorities* and show good cause for their illegal entry or presence". (emphasis added).

[6] Conclusions No.15 (XXX) of 1979 - A/AC.96/572, para. 72 and 58 (XL) of 1989 - A/AC.96/737, para. 25.

[7] A/AC.96/631, para. 97, sub-para. (2).

23. Similarly, claims from asylum-seekers arriving without documents or with false documentation have often been treated as abusive, in disregard of the fact that persons facing persecution are frequently compelled to travel without documents or to use forged documents to reach a potential country of asylum. It is accepted that a presumption of abuse may result from an asylum-seeker having, for example, wilfully destroyed or disposed of travel or other documents in order to mislead the authorities. Nevertheless, that presumption must still be tested in appropriate procedures to determine its validity. Where an asylum-seeker does not possess proper documentation or has travelled on false documents, this by itself does not automatically render a claim abusive or fraudulent.

24. There has also been a growing confusion in the practice of a number of States between admissibility procedures and accelerated procedures. Issues that should have been evaluated in substance after admission to an accelerated procedure, have been erroneously considered under the decision on the admissibility of an asylum application. These two types of procedures must be clearly differentiated. The purpose of admissibility procedures is to decide whether the claim will, or will not, be considered in substance in the country where it has been submitted. The purpose of accelerated procedures is to deal with the substantive claim in a simplified, shorter manner. Decisions on the abusive or manifestly unfounded character of a claim should therefore not be taken at the admissibility stage.

C. Internal relocation

25. Particular problems have been encountered in recent years with the determination of refugee claims that involve analysing whether the fear of persecution extends to the whole of the territory of the country of origin. In the practice of a number of countries, increasing insistence has been put on efforts which the asylum-seeker should have made to explore relocating internally prior to seeking asylum. The possibility of accessing safety elsewhere inside the country of origin has been styled "internal flight alternative", or more recently the "relocation principle" and has been used increasingly as a bar to the admissibility of claims for refugee status.

26. In UNHCR's view, the use of this notion to deny access to refugee status determination, rather than situating it within the framework of the status determination analysis, risks seriously distorting refugee law. Moreover, even when examined in the context of substantive determination procedures, this notion is often applied without due regard for the circumstances in the displacement area, and the reasonableness of relocating internally as opposed to seeking asylum. This is particularly pertinent in the case of so-called "failed States" where political fragmentation means that it is no longer possible to equate a State with its constituent parts.

IV. GROUPS WITH SPECIAL PROTECTION NEEDS

27. In the former Yugoslavia, Sierra Leone and many other places, women and children have continued to be targets of egregious human rights violations. These include mass expulsions, rape, deliberate mutilation and other serious instances of physical abuse and sexual violence.

A. Women

28. In UNHCR's protection agenda, primacy has been placed on initiatives to strengthen response to gender-related refugee concerns and problems. The Office recognizes that women, particularly single heads of household and adolescent girls, victims of sexual violence and other severe forms of abuse (as well as of psychological/physical trauma), face acute problems in asylum countries. Chief among them is a lack of personal security whether living in camps, collective centres or with host families.

29. A project to combat violence against refugee women has been initiated in five countries in West and East Africa, focusing on an integrated approach based on strong partnerships between the refugee community, local police services, United Nations agencies, non-governmental organizations (NGOs) and local and international staff. Field offices have been following-up on cases of restrictions on freedom of movement and of detention, and UNHCR has successfully intervened in a number of instances, obtaining the release of women who had been abusively detained. The Office has also taken steps to ensure that women are adequately represented in elected refugee leadership within refugee camps, and can actively participate in decisions regarding their security.

30. In many asylum countries, special efforts have been made to increase awareness of gender-related refuge issues through training programmes and seminars on sexual violence and gender sensitivity, particularly for police, judges, immigration officials, journalists and NGOs. UNHCR has actively worked, at the level of law, to ensure wider acceptance of the notion that persecution may be effected through sexual violence, as well as of the notion that women asylum-seekers who face harsh or inhuman treatment due to their having transgressed the social mores of the society, may be considered as a "particular social group" within the meaning of Article 1 of the 1951 Convention. One notable example in this regard was the decision earlier this year of the British House of Lords which recognized the legitimacy of a gender-related persecution claim under the 1951 Convention.

31. UNHCR has also monitored national legislation, particularly in the Americas and Central and Eastern Europe, to analyse gaps, advocate changes, incorporate a gender perspective into legislation, and disseminate information on international standards relating to gender. As a result, new legislation in Belarus and the Russian Federation now addresses specific procedural rights of female asylum-seekers. Field offices have also joined in inter-agency campaigns to put women's rights on the national agendas. In regions in which deep-rooted traditions persist, UNHCR's objective has been to create a more sensitive and receptive environment, through effective partnerships with regional and local NGOs and women's associations, to promote a better understanding of UNHCR's policy and guidelines on refugee women. Refugee women in some Latin American countries are now being provided with documentation that no longer classifies them as economic dependants, thus enabling them to seek paid work.

32. In the context of return, women and children are particularly exposed to the danger of anti-personnel mines, through normal activities such as fetching firewood or water, or herding cattle. UNHCR has funded mine

awareness programmes targeted at women and specific age-groups in refugee and returnee areas. This is part of its advocacy for demining as a lasting measure to protect refugees and returnees.

33. In Rwanda, UNHCR has been actively participating in the Rwandan Women's Initiative designed to promote women's rights and participation in political, legislative and judicial arenas and institutions, as well as equal participation in economic and socio-cultural affairs, and to combat violence and other harmful practices against women and young girls.

B. Gender equality

34. During the period under review, UNHCR has continued working towards the mainstreaming of the principle of gender equality, as formulated in 1997 by the Economic and Social Council.[8] This has been implemented through promoting a gender-equality perspective in protection, programmes, durable solutions, public information and staff administration. Field offices have also made sustained efforts to mainstream gender issues in order to promote gender awareness and sensitivity. Statistics on gender and age are now being incorporated into periodic reporting, and gender issues and activities into objective-setting exercises.

C. Children

35. The changing nature of armed conflict and displacement in the post-Cold War era means that refugee children are no longer simply incidental victims of conflicts and displacement but, increasingly, targets for exploitation, militarization and politicization. To ensure that UNHCR addresses their particular needs, child rights-based performance objectives have been established for all phases of UNHCR operations in complex emergencies, with a fundamental requirement that girls and boys benefit equally from all programmes. Plans of action have been established at country operational level, focussing on key areas requiring protection and assistance measures; sexual exploitation and violence; under-age military recruitment; education; and unaccompanied minors and adolescents; all of which are fundamental to addressing the needs of girls more effectively. In addition, a UNHCR/International Save the Children Alliance training programme will increase the capacity of UNHCR, government and NGO field staff to protect and care for children and adolescents in refugee situations, with a specific age-gender perspective.

36. The protection needs of children have been particularly prominent in the Kosovo crisis. In this context, UNHCR has issued protection guidelines giving specific attention to the following critical issues relating to children:

(a) Separated minors: identification of unaccompanied minors during the registration process; proper implementation of UNHCR's policy on interim care of separated minors; liaison with the International Committee of the Red Cross (ICRC); and registration for family reunion purposes.

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[8] A/52/3, Chapter IV, A, Agreed conclusions 1997/2.

(b) Birth registration: registration of newborn babies, preferably by local authorities, including birth certificates given to parents.

(c) Child soldiers: children and adolescents to be kept as close as possible to their families and care-givers; preventive strategies that take account of the fact that under-age recruitment affects girls as well as boys; planning of rehabilitation programmes for child soldiers to be undertaken with other institutions.

D. Elderly refugees

37. In many UNHCR operations, the elderly have been a population group particularly affected by three crucial factors: social disintegration, negative social selection and chronic dependency. The plight of abandoned or separated elderly refugees from Kosovo has been a tragic recent reminder of this. In order to respond to these problems, UNHCR has pursued a more targeted strategy to include the elderly in all aspects of programme planning and implementation with an emphasis on specific community services projects and greater advocacy on their behalf. The aim is to ensure that elderly victims of forced migration are able to regularize their status in asylum countries and obtain access to all possible benefits, entitlements and rights.

E. HIV/AIDS

38. A revision of UNHCR's policy on refugees and HIV/AIDS issued in December 1998 reiterated the obligation to protect and assist affected refugees, and called for a strengthened response to the AIDS pandemic. Its objective was to assist field offices in planning and implementing effective prevention and care programmes within and with the refugee community. UNHCR and UNAIDS have signed a Cooperation Framework Agreement designed to formalize and structure joint actions already underway in the fight against HIV/AIDS.

V. PROTECTION OF REFUGEES CAUGHT UP IN CONFLICT SITUATIONS

39. In some regions, UNHCR has been facing enormous protection challenges where mass displacement has been precipitated by conflict situations, and where asylum and protection have had to be assured in the absence of law and order, or in a highly unstable protection environment. Clearly, in such circumstances the promotion and application of the principles of international protection has been particularly difficult. Striking examples have included displacements in the southern Balkans and in Western and Central Africa.

A. Refugees in situations of armed conflict

40. The presence of armed combatants among refugees and the insecure location of refugee camps too close to borders have become intractable obstacles to refugee protection in a number of situations. The United Nations General Assembly emphasized in a recent resolution the responsibility of States to "uphold the civilian and humanitarian character of refugee camps

and settlements, *inter alia*, through effective measures to prevent infiltration of armed elements, to identify and separate such armed element from refugee populations..." and to "settle refugees in secure locations...

41. Despite an increasing awareness of the problem, however, many refugee were once again exposed to cross-border attacks, forced recruitment into armed fighting forces and confinement in remote, isolated and perilously located camps. In one instance during 1998, many refugees were injured -- some fatally -- or made homeless, as a result of incursions, shelling and ground attacks on three refugee camps. In some situations, the refugees themselves, due to traditional cultural and ethnic affinities in the border region, have resisted proposals to relocate their camps. It is frequently not easy to balance the imperatives of granting international protection, t legitimate security concerns of host countries and the desires of the refugees. Where States approach the problem from a State security rather than a humanitarian protection point of view, they risk losing sight of the obligation to provide protection to those who are deserving of it.

42. In its 1998 Conclusion on International Protection[10], the Executive Committee expressed deep concern about the increasing use of war and violen as a means to carry out persecutory policies against groups targeted on one of the grounds stated in the 1951 Convention definition. In those instance the victims should clearly be considered as refugees under the Convention. UNHCR's concern is that where these asylum-seekers have not been part of a mass influx into the host country, the procedures in some asylum countries not make provision for their individual protection because they are deemed war-displaced, rather than individually persecuted.

B. Temporary protection

43. A related and disturbing development over the reporting period has be a growing tendency for States to extend the application of temporary protection regimes to asylum-seekers arriving outside the context of mass displacement. UNHCR's view remains that temporary protection is a practic device, allowing for a principled response by States to sudden arrivals of large numbers of asylum-seekers displaced by situations of war and generalized violence. Where individual status determination is too cumbersome or even impossible, protection is nevertheless ensured through t granting of temporary protection, albeit on the basis of temporary stay for most of them in the country of asylum. Upon termination of temporary protection, persons with ongoing protection needs must, in UNHCR's view, ha access to proper individual procedures to determine these needs against Convention status requirements. Where there is no mass influx, individuals should be given access to an individual procedure to determine their status under the 1951 Convention.

C. Internally displaced persons

44. The rising number of internally displaced persons world-wide has been matter of deep concern. It is a reflection of the fact that in many places civilians have increasingly been the deliberate target of armed conflict or

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[9] General Assembly resolution adopted on 9 December 1998 (A/RES/53/125).
[10] Conclusion No.85 (XLIX) of 1998.

paramilitary activities. Notwithstanding the fact that UNHCR does not have a general competence to deal with internally displaced persons, it may, under certain conditions, become involved in activities on behalf of particular groups. In accordance with guidance provided by both the United Nations General Assembly and the Executive Committee, the Office's criteria for involvement include that there be: a specific request from the General Assembly, the Secretary-General or another competent principal organ of the United Nations; the consent of the concerned State or other relevant entity; relevant UNHCR expertise and experience to assist, protect, and seek solutions for internally displaced persons in the particular situation; and sufficient resources placed at its disposal for the activities in question.

45. From the protection perspective, one interesting example of an internally displaced person situation in which UNHCR became engaged has been in Colombia. According to an agreement concluded between the Government of Colombia and UNHCR in January 1999, the Office will be providing its expertise to reinforce the legal, policy and institutional framework for internally displaced persons within this country. The design of the programme centres around the implementation of the "Guiding Principles on Internal Displacement" produced in 1998 by the Secretary-General's Special Representative. Achievement of the programme's objectives will be assessed at the end of a three-year period, starting in July 1999, against certain established protection-based indicators. Given the limited nature of UNHCR's involvement in Colombia, it is recognized that UNHCR's support will only be effective if linked to broader efforts to uphold international humanitarian law and to strengthen respect for human rights, within the context of a common approach with other United Nations partners.

46. The significance of cooperation with the relevant United Nations bodies and with other partners is also an important lesson to be drawn from the Kosovo crisis. Even when the task is a UNHCR mandate responsibility, such large-scale and complex emergencies require a consortium approach among the key agencies and partners to address the enormous protection and assistance challenges and problems. In acting in concert, all partners currently face the challenge of trying to define the increasingly blurred boundaries and limits of humanitarian action, in an environment that is subject to political and military imperatives which are outside their respective mandates.

VI. THE SEARCH FOR SOLUTIONS

47. The search for durable solutions has become even more of a challenge in a difficult protection environment. UNHCR has appealed to all States to continue, as far as possible, to promote and to make available as appropriate all durable solutions for refugee situations: integration in the asylum country, resettlement to a third country or voluntary repatriation to the country of origin. While voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations, there are nevertheless instances in which integration or resettlement will represent the better alternative. Often, a combination of solutions, each specifically addressing the particular circumstances and needs of the various parts of the same refugee population, will help achieve a lasting resolution of a refugee situation, in the interests of the refugees and the States concerned.

A. Voluntary repatriation

48. During the reporting period, the voluntary repatriation of a substant number of refugees has taken place world-wide. The Office continued to assist the repatriation of Afghan refugees from Pakistan which continued at steady pace. With the implementation of the Group Repatriation scheme and the initiation of protection monitoring activities inside Afghanistan, a total of almost 100,000 refugees were repatriated during the reporting period. In April this year, some 250 Afghan families returned voluntarily from Pakistan to the Taleban-controlled areas of Afghanistan. By the end o 1999, UNHCR hopes to have been able to return between 12,000 and 15,000 refugees, subject to funding constraints.

49. From the start of the operation in late 1997 until the end of April 1999, a total of 102,000 Liberians had also returned home under UNHCR's auspices. An estimated 160,000 Liberians returned spontaneously from exile during the same period. In Asia, 47,000 Cambodian refugees had returned fr Thailand by the end of March 1999.

50. UNHCR has continued to engage in efforts to establish a constructive dialogue between countries of asylum and countries of origin to improve prospects for voluntary repatriation in a number of ongoing situations. In some, UNHCR has received positive indications that long-suspended discussio on the return of some refugee groups of concern may soon be resumed.

51. Even in situations where the prospects for return may not be so immediate such as, at the time of writing, for the return of refugees from Kosovo, UNHCR undertakes steps to prepare for return as soon as it becomes possible, in cooperation with relevant United Nations bodies and agencies a well as other humanitarian organizations. Planning for return to Kosovo ha been hampered by the fact that the humanitarian tragedy is ongoing. While is important that UNHCR and the humanitarian community are ready, with the refugees, to plan for a return, guarantees for voluntary and safe repatriation must be upheld. Among the conditions which UNHCR stipulated a essential for repatriation and return to Kosovo are (1) the provision of effective security guarantees for returnees and for international humanitarian actors, (2) the withdrawal of military and paramilitary units responsible for suspected atrocities and forcible displacement of the civilian population, and (3) the deployment of a robust international military force to provide a security framework for the civilian population and the humanitarian operation in Kosovo.

52. Considerable efforts were made over the reporting period to enhance UNHCR's monitoring capacity during and following the return phase. Through the issuance of specific monitoring guidelines, combined with targeted training for protection officers, the Office is working to increase the confidence of refugees in return movements assisted by UNHCR, while ensurin a return in safety and dignity.

B. Resettlement and integration

53. UNHCR has also continued to benefit from the support of States in its pursuit of resettlement as an instrument of protection and as a durable solution. One overarching goal in resettlement is to enhance asylum and

protection prospects for the refugee population as a whole. While undertaking resettlement activities and thereby ensuring individual safety, UNHCR seeks to reinforce asylum in the host countries and to promote durable solutions benefiting the entire refugee population concerned. With this perspective, resettlement has become an essential element in a comprehensive strategy of refugee protection and the attainment of durable solutions.

54. In addition to meeting the objectives of providing a durable solution to refugees and ensuring their protection, resettlement may also be used to relieve the burden on receiving countries. States have recognized the need to cooperate, in particular to ensure that movements across borders do not place an undue or disproportionate strain on receiving States.

55. Specific responses developed in the context of an acute emergency, such as the humanitarian evacuation of Kosovar refugees from The former Yugoslav Republic of Macedonia, should be distinguished from regular resettlement efforts. Humanitarian evacuation does not focus, as does resettlement, on addressing individual protection needs; rather it was conceived as a mechanism agreed in the burden-sharing context, to ensure the availability of diverse asylum options for the group in its entirety. It was intended to reinforce asylum by easing the pressure of new arrivals on the host country. UNHCR therefore reminded States that their generous offers under the humanitarian evacuation programme need to be in addition to quotas of resettlement places. Quotas are of critical importance with regard to the protection mandate of UNHCR and its capability to address serious protection problems of refugees in many other precarious situations around the world.

56. During the reporting period, some governments have also set a positive example in facilitating the assimilation and integration of refugees. In Latin America, for instance, there have been significant examples of local integration of refugees achieved through amnesties allowing the regularization of illegal aliens, or through the naturalization of substantial number of refugees.

C. Statelessness

57. The problem of statelessness has been of growing concern to UNHCR as the number of cases and the interlinkage with displacement has increased. In a number of ongoing situations of forced displacement, groups of stateless persons have continued to live in exile under difficult circumstances, without any possibility of acquiring the citizenship of their adopted country. The residence status of many "non-nationals" in the country of asylum remains unclear, in particular in regard to those who have been living for many years in refugee camps and settlements. The uncertainty about the legal status of such persons often leads to further complications, which make it particularly difficult to identify a durable solution for these groups.

58. In some instances, stateless persons and persons of undetermined nationality are kept in detention for many years, because they have no recognized legal status in any country. Children of refugees sometimes risk becoming stateless, due to the difficulties concerning registration of children born in refugee camps.

59. The search for solutions to cases of statelessness becomes especially challenging in situations where the problem has survived generations. UNHCR has been involved with several groups who had been dispersed through various countries after they were deported from their areas of origin. In the countries where they are currently residing they have serious daily difficulties stemming from their inability to legalize their status and obtain citizenship. At the same time, their return to and reintegration int their country and places of origin is seriously hampered by obstacles to regaining their former citizenship.

60. The reporting period witnessed the outbreak of armed conflict between two countries accompanied by arbitrary expulsions on ethnic grounds of citizens or habitual residents. Statelessness became a real likelihood for significant numbers as the receiving countries provided no automatic rights to citizenship, in spite of any ethnic links. In the Kosovo context, where the expulsion of refugees has been accompanied by significant destruction of identity documents, a challenge for UNHCR is to ensure that their nationalit will not be put into question at the time of return. Towards that end, UNHC is undertaking major registration efforts in the countries of asylum.

61. Numerous activities and programmes have been undertaken by UNHCR in recent years to reduce statelessness. These have included the provision of technical advice to States in the drafting, implementation and promulgation of nationality laws, intensive cooperation and consultation with United Nations organs and regional bodies such as the Council of Europe and OSCE, as well as publications to assist States and UNHCR field staff in dealing with problems of statelessness. This year's progress report to the Standing Committee on UNHCR and statelessness activities[11] broadly outlines these efforts which have already, in many instances, successfully reduced both cases of statelessness and the threat of statelessness.

VII. TOWARDS A GLOBAL PARTNERSHIP FOR PROTECTION

62. Much needs to be done, on a global scale, to revitalize refugee protection. Protecting the victims of persecution and of human rights violations must be seen not only as a legal and moral duty, but also as a task from which all participating States will ultimately benefit.

63. The principles of asylum and protection reflect a centuries-old, respected and widely-held value that places primacy on human security and dignity. Derogation should not be envisaged unless there is no viable choice. Yet, it has to be acknowledged that protecting refugees through granting and upholding asylum within an agreed international law framework will bear costs of one sort or another. This not least explains why over the years States have preserved a wide ambit of sovereign discretion as to the granting of such protection. However, this discretion is not unfettered. It is circumscribed by a plethora of human rights and refugee law responsibilities freely entered into. In balancing States' interests against these standards it is fundamental to define clearly which responsibilities cannot be departed from, irrespective of the financial and political costs arising from their protection.

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[11] EC/49/SC/CRP.15

64. This does not mean that interests can be disregarded; indeed it is incumbent on the international community through international solidarity and burden-sharing to help States find solutions which do not compromise what is at stake for them. In this regard, UNHCR has organized a series of regional seminars over the reporting period attended by the various partners involved, and designed to explore the interests/responsibilities dilemma and how both might be reconciled. A number of proposals were put forward for practical activities. All participants agreed that it is essential to improve asylum systems and try to diminish related costs. States should make every effort to reduce the time required for asylum procedures and streamline the return of rejected persons who are not in need of international protection.

65. Other suggestions focussed on regularizing burden-sharing and making it more operational; on strengthening collaborative action between governments, business and civil society; on placing greater emphasis on the human dimension of refugee issues and building constituencies within societies to support asylum; on speeding up integration of refugees into their asylum countries through, for example, language courses and skills training; on sensitizing public opinion through improved use of media and creative, educational technologies including websites; and on increasing analysis and transparency on asylum questions to reduce ill-founded or unsubstantiated claims. The seminars also brought out the importance of more attention being paid to the nature and substance of the dialogue between refugee-receiving and producing countries.

66. A consistent theme emerging from these seminar discussions was the need to revitalize old and build new partnerships in support of the international refugee protection system. It was with this in mind that UNHCR has continued vigorously to pursue its efforts to promote collaboration on refugee protection through the "Reach Out" consultative process. Initiated in January 1998, this process was broadened over the course of the last year to engage a wide range of non-state actors -- including major human rights and humanitarian NGOs, United Nations sister agencies and the corporate sector -- in a series of dialogues on the nature and dimensions of the current protection challenges; where the main problems lie; and what States and organizations might do together with UNHCR to ensure improved and sustained support for protection principles. The expanded consultations have obvious links with, and should feed into several strategic initiatives undertaken or planned in the Office, in particular the review of the PARinAC process, the 30th anniversary of the OAU Convention and the Office's 50th anniversary events, beginning in December 2000.

67. At the end of this century, not least through such efforts as the "Reach-out" process, it is UNHCR's hope that a global partnership for the protection of refugees will re-emerge. The supporters of such a revitalized protection regime are united in the belief that international cooperation for the protection of refugees is not only an ethical and legal imperative but also a prudent insurance policy for an uncertain future.